

#### REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 9-11 have been made dependent on claim 8, while claims 12-14 have been made dependent on claim 9.

Applicants believe that the above changes answer the Examiner's objection to and 35 U.S.C. 112, paragraph 2, rejection of the claims, and respectfully request withdrawal thereof.

The Examiner has rejected claim 8 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,918,130 to Ariyoshi et al.

The Ariyoshi et al. patent discloses an optical disk unit for use with optical disks having a tilt therein due to, for example, warpage. The device includes a clamper having a center portion which clamps a central portion of the disk to a turntable, and a peripheral portion for applying pressure to a peripheral portion of the disk to such an extent as to correct or lessen the warpage such that it is within a tolerable range.

As noted in MPEP §2131, it has been well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention, as claimed in, for example, claim 8, is also for disks exhibiting warpage. However, instead of attempting to eliminate or correct any warpage of the optical disk, the subject invention increases the amount of tilt (or warpage) to a predetermined height difference (i.e., between an inner area of the optical disk and an outer area thereof) which is greater than that found on any optical disk (specification, page 5, lines 1-14). As such, the resulting amount of tilt is a predetermined amount which is then easily compensated either mechanically or electronically by the apparatus of the subject invention.

Applicants therefore submit that Ariyoshi et al. neither discloses nor suggests "additional means for applying an end load on said outer area of said information carrier for setting a predetermined height difference between said inner area and said outer area, said predetermined height difference being greater than a maximum initial height difference occurring in a circular information carrier".

In view of the above, Applicants believe that the subject invention, as claimed in claims 8-14, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 8-14, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by /Edward W. Goodman/  
Edward W. Goodman, Reg. 28,613  
Attorney  
Tel.: 914-333-9611